HC-KAR

NC: 2026:KHC:61763
WP No. 19760 of 2024

CNR: KAHC010422452024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 19760 OF 2024 (GM-KSFC)

BETWEEN:

SRI. C.D SHIVANNA
S/O LATE DASANNA
AGED ABOUT 70 YEARS
R/AT ANJANI EXTENSION
GOPASANDRA
CHINTAMANI TOWN
CHINTAMANI 563 125
ALSO AT
NO.73/30, 1ST MAIN,
31ST CROSS, MARUTHI NAGAR,
YELAHANKA, BANGALORE 560 064

...PETITIONER

(BY SRI. H.C. SHIVARAMU, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
VIDHANA SOUDHA,
BANGALORE-560 001
REPRESENTED BY
THE CHIEF SECRETARY

2. THE PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
STATE OF KARNATAKA
VIDHANA SOUDHA,
BANGALORE-560 001

3. THE MANAGING DIRECTOR
KARNATAKA STATE FINANCIAL CORPORATION
HAVING HEAD OFFICE AT NO.1/1,
THIMMAIAH ROAD,
NEAR CANTONMENT RAILWAY STATION,
BANGALORE-560 052

4. THE BRANCH MANAGER
KARNATAKA STATE FINANCIAL CORPORATION
HAVING ITS BRANCH OFFICE
AT NO 2/71/1, 2ND FLOOR,
YASHODA COMPLEX, B.B ROAD,
CHIKKABALLAPURA-562101

5. SRI V KRISHNAPPA @ ABBAGUNDU KRISHNAPPA
SINCE EXPIRED REPRESENTED BY LRS,

5A) SMT PADMAVATHAMMA
W/O LATE V KRISHNAPPA
@ ABBAGUNDU KRISHNAPPA
AGED ABOUT 54 YEARS,

5B) SRI MANJUNATHA @ MANJUNATHA REDDY
S/O LATE V KRISHNAPPA
@ ABBAGUNDU KRISHNAPPA
AGED ABOUT 34 YEARS,

5C) SRI VIJETHA
S/O LATE V KRISHNAPPA
@ ABBAGUNDU KRISHNAPPA
AGED ABOUT 30 YEARS,

ALL ARE R/AT R.K NURSING HOME ROAD,
NAREPPA KUNTE, CHINTAMANI TOWN,
CHINTAMANI-563 125

…RESPONDENTS

(BY SRI. PRAKASH M GANIGER, HCPG FOR R1 & R2,
SRI. AMLOK M, ADVOCATE FOR R5 TO R7,
SRI. VINAY KUMAR G.S, ADVOCATE FOR R3 & R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-CALL FOR THE ENTIRE RECORDS IN RESPECT OF SANCTION OF LOAN IN FAVOUR OF PETITIONER BY RESPONDENT KSFC QUASH THE FRAUDULENT DOCUMENT OF CERTIFICATE OF SALE IN FORM NO. 41 RULE 124(4) IN RESPECT OF PROPERTY BEARING SITE NO. 10/769/737 AT ANNEXURE-E AND TO DECLARE THAT THE AUCTION OF RESPONDENT KSFC U.SEC 29 IS ILLEGAL AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In this writ petition, the petitioner has called in question the From No.41 Rule 124(4) in respect of property bearing Site No.10/769/737 passed by the learned Special Tahasildar in Annexure-E.

2. Learned counsel appearing for the respondent submits that, against the order passed by the Special Tahsildar in exercise of the powers under Section 179 of Karnataka Land Revenue Act, 1964 (for short, "the Act"), an appeal lies before the Assistant Commissioner under Section 49(a) of the Act. The said position of law is not disputed by learned counsel for the petitioner. However, he submits that the writ petition may be

disposed of reserving liberty to the petitioner to approach the Assistant Commissioner by filing an appeal under Section 49(a) of the Act and that the period spent in prosecuting the present writ petition may be excluded for the purpose of considering the delay, if any, in filing the appeal.

3. Having regard to the nature of the dispute and the submissions made by learned counsel for the parties, the writ petition is ***disposed of*** reserving liberty to the petitioner to file an appeal under Section 49(a) of the Act against the impugned order challenged in the present petition.

4. It is made clear that, while considering the appeal, the Assistant Commissioner shall take into consideration the period spent by the petitioner in prosecuting the present writ petition for the purpose of condoning the delay, if any, in filing the appeal.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 2 Sl No.: 2